

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – Agricultural Marketing Department – Sri K.Srikanth, Assistant Director of Marketing (now Deputy Director of Marketing ) - Delay in issue of Posting orders for the period from 4.12.2010 to 13.11.2011 treating the period as compulsory wait – in pursuance of Hon'ble APAT Judgment in OA No.10680/2012 dated 8.10.2014 - Orders – Issued.

=====

AGRICULTURE AND COOPERATION (AM.II) DEPARTMENT

G.O.Rt.No.131

Dt:03-03-2015.

Read the following:-

1. The C&DoAM, AP.,Hyd. Proceedings No.Esst.Govt. 319/2010, dt.22.8.2012
2. The C&DoAM, AP.,Hyd. Proceedings No.Esst.Govt.319/2010, dt.12.2..2013
3. Hon'ble APAT Judgment, dt.8.10.2014 in OA No.10680./2012.
4. From C&DoAM,AP.,Hyd. Lr.No.Esst.Govt. 319/2010, dt.9.1.2015.

\*\*\*

ORDER:-

The report of Commissioner and Director of Agricultural Marketing indicated that, Sri K.Srikanth on promotion as Assistant Director of Marketing was posted as Special Grade Secretary. At AMC, Nagarkurnool vide proceedings dt. 3.9.2010. He submitted a report dt.4.12.2010 about mismanagement of the AMC, Nagarkurnool and his harassment by the outsiders and about his physical threat. As there is no response he has requested to sanction leave from 4.12.2010 and requested to transfer outside the said AMC.

2. The Commissioner and Director of Agricultural Marketing has reported that, the request of the Assistant Director of Marketing Sri K.Srikanth for sanction of leave on administrative grounds from 4.12.2010 has been examined and he was informed vide reference 2<sup>nd</sup> read above, there is no such kind of leave to sanction on administrative grounds in AP Leave Rules, 1933, and that the period from 4.12.2010 to 13.11.2011 was regularized as leave for which he is entitled to .

3. Sri K.Srikanth, filed OA No.10680/2012 in AP Administrative Tribunal to direct the respondents for his transfer to some other place from Nagarkurnool and to call for the records pertaining to the proceedings No. 319/2010, dt.22.8.2012 and set aside the same as illegal arbitrary, unconstitutional and direct the respondents to treat the period from 4.12.2010 to 13.11.2011 as compulsory wait, regularize the period, release the annual grade increments and also for payment of arrears of salary for the said period along with 18% interest with all consequential benefits.

4. The Hon'ble APAT in its judgment in OA No.10680/2012 dt.8.10.2012 observed that, the applicant after his posting as Spl.Gr.Secy., to Agricultural Market Committee, Nagarkurnool, joined in that post on 21.05.2009. while working there, he noticed some financial irregularities and brought those irregularities to the notice of the respondents through his letter No.60/AMC/NHKL/2010, dt.4.12.2010.. It reads that on 3.12.2010 the staff members along with Security Guards, local people have entered into the chamber and detained him for two hours, abused him in filthy language and tried to physically assault him for finding fault with their work. He explained in detail the financial irregularities noticed by him in various check posts in his jurisdiction. As he addressed his letter, the respondents ought to have taken immediate action to protect him, but they failed to do so. Hence, initially he applied for leave from 4.12.2010 and addressed letter, dt.9.12.2010 to the Commissioner and Director of Agriculture Marketing requesting him to sanction leave from

Contd...2

4.12.2010 and also recall him immediately back from the deputation post and give him posting in another place as there is security threat to him in Nagarkurnool. Through the respondents have received this letter, they failed to transfer him to some other post as requested. But, through proceedings No. Estt.AMC(1)7474/2010, dt.28.12.2010 they have posted one Sri M.Bhaskaraiah, ADM, Mahabubnagar ad Full Additional Charge to the post of Special Grade Secretary, Agricultural Market Committee, Nagarkurnool, until further orders. In this order they have referred to the applicant's letter, dt.20.12.2010. Having been convinced about the fact that the applicant has physical threat from the employees and local leaders of Agriculture Market Committee, Nagarkurnool alone, the proceedings dt.28.12.2010 was issued by the respondents making full Additional Charge arrangement. In other words, he felt that it is not safe to continue the applicant as Special Secretary at Nagarkurnool. Having given Full Additional Charge to another person they are expected to recall the applicant immediately from deputation and issue him posting order in another place. But they failed to do so. It is the version of the applicant that he made innumerable applications and also met the 1<sup>st</sup> and 2<sup>nd</sup> respondents personally and requested them to issue posting orders, but they failed to do so. Having understood the gravity of the situation alone, the respondents have placed another officer in Full Additional Charge to the post of Special Grade Secretary to AMC, Nagarkurnool,. Having done it, they should have immediately given posting to the applicant in another place. But they have given him posting almost after one year ie., on 31.10.2011. the interregnum period is now treated as "leave " to which he is eligible through the impugned order. They have also postponed his increments consequently. Admittedly the applicant is not at fault. He has brought to the notice of the authorities about the physical threat to him and also financial irregularities without any delay, as such, the authorities ought to have taken prompt steps in the matter and transferred him to another place. Having not done it, it is not open for them now to contend that the entire period has to be treated as 'leave' at best they can treated only upto 28.12.2010 ie., the date on which Sri M.Bhaskaraiah, ADM, Nagarkurnool, was placed as Full Additional Charge of the post of Special Grade Secretary,. As they have given Full Additional Charge of that post to another officer from 29.12.2010, it has to be deemed that the applicant is waiting for posting. Having not given him posting order, the respondents cannot treat that period as leave to which he is eligible. It has to be treated as compulsory wait as the respondents themselves are at fault. **In the posting order, dated 31.10.2011** issued to the applicant, the respondents have referred to his letter No.60/AMC/NHKL/2010 dt.4.12.2010 stating that, they are satisfied about the genuineness of his request and therefore, transferring him to Nellore after repatriating him to parent department. In other words, they are satisfied that there is physical threat to the applicant at Nagarkurnool. That being the case, they should have issued posting orders immediately to the applicant after placing Sri M.Bhaskaraiah as Full Additional Charge. Since they have not done it, the APAT held that the entire period till he was given posting orders has to be treated as compulsory wait. It is not the case of the respondents that the applicant was not willing to join in the new posting place once posting orders were given.

5. The Hon'ble APAT allowed OA No.10680/2012 and set-aside the impugned proceedings No.Estt.Govt.319/2010,dated 22.8.2012 and directed the Respondents to treat the period from 4.12.2010 to 13.11.2011 as compulsory wait with pay and allowances and increments. The Respondents were also directed to issue orders in this regard regularizing the above period as compulsory wait and release all the arrears of salary and consequential benefits including increments

:: 3::

6. The Government after careful consideration have decided to implement the Judgment of APAT in OA No. 10680/2012 dt.8.10.2014 and hereby regularize the period from 4.10.2010 to 13.11.2011 in respect of Sri K.Srikanth, Assistant Director of Marketing (now Deputy Director of Marketing), as compulsory wait for posting orders and the Commissioner & Director of Agricultural Marketing is directed to release all the arrears of salary and consequential benefits including increments to him.

7. This order issues with the concurrence of Finance (HRM.IV) Dept. vide their U.O.Note No. 1144/62/HR.IV/2015, dated.20.2.2015.

8. The Commissioner & Director of Marketing, AP., Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.PREMCHANDRA REDDY,  
SECRETARY TO GOVERNMENT (COPP.&MKTG.)

To

The Commissioner and Director of Agricultural Marketing , AP.,Hyderabad  
The Individual through Commissioner & Director of Agril. Marketing ,AP., Hyd.  
The Pay and Accounts Officer, AP., Hyderabad  
SF/SC.

//FORWADED BY ORDER//

SECTION OFFICER

